

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DOLORES (DEE) BARRETT	:	
	:	
V.	:	CIVIL ACTION - LAW
	:	
THE GREATER HATBORO CHAMBER OF COMMERCE, INC.; JOHN J.(BUD) AIKEN, AND MICKEY GLANTZ	:	NO. 02 -cv-4421 JURY TRIAL DEMANDED

**PLAINTIFF'S ANSWER OPPOSING PREMATURE MOTION
TO PRECLUDE RECOVERY OF ATTORNEY FEES**

AND NOW, this 12th day of September 2005 comes Plaintiff Dolores Barrett, by and through counsel, and requests this Honorable Court to deny and dismiss defendants' Motion to Preclude Recovery of Attorney Fees with prejudice for the following reasons:

1. Admitted.

2. Admitted. However, Defendants' Motion to Preclude is premature since Plaintiff has not yet prevailed in this case, and filing the Motion before trial is a waste of the Court's time and counsel's trial preparation time. Counsel requests imposition of reasonable fees for harassment, in wasting trial preparation time researching and briefing this issue unnecessarily prior to trial of this case, in the amount of \$600.

3. Denied. On the contrary, Pennsylvania courts are free to award counsel fees to the prevailing party in appropriate circumstances with or without express statutory authorization. Plaintiff's Memorandum of Law is attached hereto and incorporated herein.

4. Denied. On the contrary, the Pennsylvania Legislature has granted the authority to award counsel fees to prevailing parties in employment discrimination, worker's compensation, whistleblower cases and civil rights cases, which necessarily include cases under the PERA.

WHEREFORE, Defendants' premature Motion to Preclude Recovery of Attorney Fees in this case should be denied and dismissed with prejudice. Counsel also requests an award of reasonable counsel fees of \$600 for time spent in researching and briefing this issue prior to trial, thus harassing counsel in impeding her use of limited trial preparation time.

Respectfully submitted,

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